

House Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 40

HOUSE BILL 2065

AN ACT

AMENDING SECTIONS 34-203 AND 34-611, ARIZONA REVISED STATUTES; RELATING TO
PUBLIC BUILDINGS AND IMPROVEMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 34-203, Arizona Revised Statutes, is amended to
3 read:

4 34-203. Failure to comply; civil penalty

5 A. An agent who knowingly violates the provisions of section 34-201 is
6 liable for a civil penalty ~~not to exceed~~:

7 1. EXCEPT AS PROVIDED IN PARAGRAPH 2, NOT TO EXCEED five thousand
8 dollars for each violation.

9 2. ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION UNTIL JULY
10 1, 2009, NOT TO EXCEED:

11 (a) TEN THOUSAND DOLLARS FOR A FIRST VIOLATION.

12 (b) TWENTY-FIVE THOUSAND DOLLARS FOR A SECOND VIOLATION.

13 (c) SEVENTY-FIVE THOUSAND DOLLARS FOR A THIRD VIOLATION.

14 B. All monies collected from the civil penalty shall be deposited in
15 the state general fund. The attorney general shall bring an action to
16 recover the penalty in the name of this state in the superior court in the
17 county in which the violation occurred. The attorney general shall bring any
18 appropriate civil action to enjoin a threatened or pending violation of this
19 article.

20 Sec. 2. Section 34-611, Arizona Revised Statutes, is amended to read:

21 34-611. Failure to comply; civil penalty

22 A. An agent who knowingly and intentionally violates this chapter is
23 liable for a civil penalty:

24 1. EXCEPT AS PROVIDED IN PARAGRAPH 2, of not more than five thousand
25 dollars for each violation.

26 2. ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION UNTIL
27 JULY 1, 2009, OF NOT MORE THAN:

28 (a) TEN THOUSAND DOLLARS FOR A FIRST VIOLATION.

29 (b) TWENTY-FIVE THOUSAND DOLLARS FOR A SECOND VIOLATION.

30 (c) SEVENTY-FIVE THOUSAND DOLLARS FOR A THIRD VIOLATION.

31 B. All monies collected from the civil penalty shall be deposited,
32 pursuant to sections 35-146 and 35-147, in the state general fund. The
33 attorney general shall bring an action to recover the penalty in the name of
34 this state in the superior court in the county in which the violation
35 occurred. The attorney general shall bring any appropriate civil action to
36 enjoin a threatened or pending violation of this chapter.

37 Sec. 3. County and city construction contract bid process study

38 A. If a representative of a statewide association of contractors, a
39 representative from a statewide association of cities and towns and a
40 representative from a statewide association of county supervisors agree to
41 work together on a process to study city and county compliance with state
42 laws relating to bidding for construction contracts, the process prescribed
43 by this section shall be used.

1 B. The representatives described in subsection A shall select fifteen
2 cities and fifteen counties. They shall collect, assemble and study data
3 from the cities and counties with regard to dollars spent on the following
4 items:

- 5 1. Chip seals.
- 6 2. Slurry seals.
- 7 3. Fog seals.
- 8 4. Overlay and reconstruction.

9 C. The representatives described in subsection A shall review the
10 cities' and counties' capital budget items for the items prescribed in
11 subsection B. They shall review both the budget information and the final
12 auditing process information.

13 D. The period for data collection, assembly and study pursuant to this
14 section is July 1, 2007 through June 30, 2009. The representatives described
15 in subsection A shall make reviews as follows:

16 1. On July 1, 2008, an initial review of the data for compliance with
17 the laws relating to bidding for construction contracts and recommendations
18 for a penalty process.

19 2. On July 1, 2009, a final review of the data for compliance with the
20 laws relating to bidding for construction contracts and recommendations for a
21 penalty process.

22 E. To assist in the study pursuant to this section, representatives
23 described in subsection A shall:

24 1. Have access to a statewide association of contractors website for
25 contract bid notification.

26 2. Track responses to requests for proposals that are made by the
27 fifteen cities and fifteen counties in the study.

28 F. The representatives described in subsection A may make
29 recommendations for suggested legislation for introduction in the forty-ninth
30 legislature, second regular session, if needed.

APPROVED BY THE GOVERNOR APRIL 11, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2007.